

REMARKS

Amendment L is hereby provided after careful consideration of the Examiner's comments set forth in the Office Action mailed December 8, 2009. Claims 2, 3, 6, 7, 9, and 11-23 remain in the application and claim 24 is added after Amendment L is entered. Reconsideration of the application is respectfully requested in view of the amendments and remarks provided herein.

The Office Action

Claims 2, 16, and 23 stand rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent Application Publication No. 2005/0054296 to Chuang et al.

Claims 7 and 17-20 stand rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Chuang and the Examiner's allegation that certain features are either inherently disclosed in Chuang or well known in the art (i.e., Examiner's Notice).

Claim 3 is identified as dependent claims that would be allowable if placed in independent form including all of the limitations of the base claim and any intervening claims even though claim 3 is actually an independent claim.

Claims 3, 11-15, and 21 are allowed.

Claims 5, 6, 8, 9, and 22 are identified as dependent claims that would be allowable if placed in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant notes that 22 depends from allowed independent claim 3. Since claim 3 is allowed, dependent claim 21 is presumed to be allowed.

The § 102 Art Rejections

Claims 2, 16, and 23 Patentably Distinguish Over Chuang.

Claim 5 was identified as a dependent claim that would be allowable if combined with all of the limitations of the corresponding base claim and any intervening claims. Claim 5 previously depended from independent claim 2. As amended, claim 2 incorporates all of the limitations of claim 5.

Based at least on the foregoing, it is submitted that claim 2 is patentably distinguished from Chuang. Accordingly, the Applicant respectfully submits that independent claim 2 and claims dependent thereon (e.g., claims 16 and 23) are currently in condition for allowance.

The New Claim Set

New Independent Claim 24 is the Combination of Previously Presented Claims 2 and 8.

Claim 8 was identified as a dependent claim that would be allowable if combined with all of the limitations of the corresponding base claim and any intervening claims. Claim 8 previously depended from independent claim 2. New independent claim 24 is the result of combining previously presented independent claim 2 with all of the limitations of claim 8. The amendments to previously presented dependent claims 7 and 9 are merely to change the dependency from claim 2 to new claim 24.

Based at least on the foregoing, it is submitted that claim 24 is patentably distinguished from Chuang. Accordingly, the Applicant respectfully submits that independent claim 24 and claims dependent thereon (e.g., claims 7 and 9) are currently in condition for allowance.

The § 103 Art Rejections

Claims 7 and 17-20 Patentably Distinguish Over the Combination of Chuang and Examiner's Official Notice.

Amended claim 7 depends from independent claim 24. Accordingly, claim 7 is patentably distinct from Chuang and Examiner's Official Notice for at least the same reasons provided above distinguishing claim 24 from Chuang. Based at least on the foregoing, the Applicant respectfully submits that claim 7 is currently in condition for allowance.

Claims 17-20 depend from independent claim 2 or intervening claims. Accordingly, claims 17-20 are patentably distinct from Chuang and Examiner's Official

Notice for at least the same reasons provided above distinguishing claim 2 from Chuang. Based at least on the foregoing, the Applicant respectfully submits that claims 17-20 are currently in condition for allowance.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 2, 3, 6, 7, 9, and 11-24) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) NUMBER EXTRA
TOTAL CLAIMS	19 - 20 =	0
INDEPENDENT CLAIMS	4 - 3 =	1

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.


☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account Number 06-0308.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Alan C. Brandt, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

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Date


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